



Review of the State Coastal Policy 1996

**RECONCILIATION OF
EXISTING POLICY
WITH PROPOSED
CHANGES**

STATE COASTAL POLICY REVIEW STEERING
COMMITTEE

Section and Clause	Summary of Provisions or Current Wording	Comment	New State Coastal Policy
Preamble			
	<p>Outlines what is a State Policy and the relevant provisions of the <i>State Policies and Projects Act 1993</i></p>	<p>A preamble can be useful to inform people about the context of the Policy.</p> <p>Public submissions supported the need for general information on the intent, purpose and implementation of a State Coastal Policy.</p> <p>However, the legal status of inclusion of a Preamble within the policy itself is problematic. Issues arise as to the legal status - does it override the specific clauses etc? Retention of a preamble may open the Policy up to legal challenge.</p> <p>However, it is considered important that there is a document that assists in understanding the context and background to the Policy.</p>	<p>It is proposed that a “context” document be prepared and be available with a new State Coastal Policy.</p>
Application of the State Coastal Policy			
	<p>Refers to 14 of the <i>State Policies and Projects Act 1993</i> and section 63(2) of the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>Planning authorities are also required to give effect to this Policy.</p> <p>It specifically applies to all of Tasmania, including all islands except for Macquarie Island which is subject to a special management regime.</p>	<p>Reiterating the particular sections of the Act does not add anything as there is a legal obligation that the Policy applies to the Crown and statutory authorities.</p> <p>Planning authorities are already required to give effect to the Policy under Section 13C of the <i>State Policies and Projects Act 1993</i>.</p> <p>Public submissions supported the view that the Policy should apply to the Crown in all its</p>	<p>It is proposed that a section be included in the new State Coastal Policy about the Application of the Policy. It is also considered that such a section should not reiterate the provisions in the <i>State Policies and Project Act 1993</i></p> <p>It is further proposed that the Better Planning Outcomes project pursue legislative changes that strengthen the powers to achieve implementation and enforcement of State</p>

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		capacities and to Councils. If there is any confusion about the application of the Policy to particular planning processes, this should be clarified through specific legislative reforms.	Policies.
Application of the State Coastal Policy – Macquarie Island.			
	The Policy does not apply to Macquarie Island which is subject to a special management regime.	At the time of the preparation of the <i>State Coastal Policy 1996</i> , Macquarie Island was not included because of its particular management regime and the need to ensure that the management plan was clearly the primary planning document for management of the Island. A majority of written submissions which dealt with this issue supported continuation of the current exemption due to the rigorous management plan already in place.	It is proposed that the current exemption for Macquarie Island be retained.
Definitions			
Definitions	The Policy provides a range of definitions, including references to definitions from other legislation.	The Policy includes a comprehensive list of definitions, including those from other legislation. Some written submissions supported including all definitions in full, others supporting including clear definitions for issues specific to the Policy. The inclusion of definitions in full from other legislation means that the Policy can become	It is proposed that a section be included in the new State Coastal Policy which includes definitions but that those definitions focus on those matters which are not already defined in legislation (eg – coastal zone) and where terms are defined in legislation reference be made to that legislation. For example, references to legislation would be cited as follows: -

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		quickly out of date and accordingly this existing approach is not supported for the new Policy.	“ <i>Development</i> ” has the same meaning as in the <i>Land Use Planning and Approvals Act 1993</i> .
Objectives			
	The Policy refers to the Objectives in Schedule 1 of the <i>State Policies and Projects Act 1993</i> , which in turn are a reference to the Objectives of the Resource Management and Planning System of Tasmania.	Under Section 5(a) of the <i>State Policies and Project Act 1993</i> it is a legislative requirement that all State Policies must further the objectives of the Resource Management and Planning System. The written public submissions generally supported a need for more specific objectives. There was also support for retention of an objective relating to the precautionary principle. It is considered that reference to the RMPS Objectives is not necessary in the Policy because of Section 5(a) of the <i>State Policies and Projects Act 1993</i> .	It is proposed that there be no direct reference to the RMPS Objectives in the new State Coastal Policy. It is also proposed that some specific objectives be included in the new Policy.
Principles			
	The Policy includes three basic Principles to guide the Outcomes of the Policy. There is then an elaboration of the Principles as being based on a number of factors.	The Principles in the existing Policy could be said to actually be “Objectives” of the Policy. A majority of written submissions supported the concept of development of specific objectives for a State Coastal Policy. The inclusion of too many elements dealing at a low level can reduce the capacity for individual planning schemes to deal with local circumstances. Therefore it is considered better	It is proposed that the new State Coastal Policy includes specific objectives relating to planning in the Coastal Zone which have been informed by the Principles in the 1996 Policy.

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		to focus at a high level.	
Outcomes			
	<p>The Policy includes 4 major Outcomes –</p> <ol style="list-style-type: none"> 1. Protection of Natural and Cultural Values of the Coastal Zone 2. Sustainable Development of Coastal Areas and Resources 3. Shared Responsibility for Integrated Management of Coastal Areas & Resources 4. Implementation, Evaluation and Review <p>Each Outcome has a number of statements as to how that Outcome should be achieved.</p>	<p>The framework of the current Policy is broadly supported in the representations.</p> <p>However, under the revised framework for State Policies that is shorter and focuses on high level outcomes, the statements in support of the existing Outcomes seem better dealt with by wrapping them up in various new desired “outcomes” of the Policy.</p> <p>Where existing support statements do not relate to land use planning in the coastal zone, they should be dealt with in other ways or contained in other documents that support the new Coastal Policy.</p>	<p>It is proposed that the new State Coastal Policy have a number of underlying philosophies to guide the content of a new State Coastal Policy that include:</p> <ul style="list-style-type: none"> • A State Coastal Policy cannot legally be a “coastal strategy” to cover every coastal issue but must be a statutory legal instrument intended to primarily deal with planning issues. • The focus should be on high-level policy statements that provide direction for planning authorities to implement the Policy. • Primary attention should be given to outcomes to be achieved rather than governing specific uses and individual development. • The new Policy should not be self-executing. • The new Policy should not include references to legislative obligations, as planning authorities are already required to comply with other legislation.

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Clause 1.1.1	The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.	The broad tenor of this statement is supported as it relates to a high level objectives.	It is proposed that the sentiment of this clause be retained in a new State Coastal Policy. It is also proposed that natural processes and ecosystems also be addressed in the “standards” that support the new Coastal Policy.
Clause 1.1.2	The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.	The broad tenor of this statement is supported as it relates to a high level statement of principle.	It is proposed that the sentiment of this clause be retained in the new State Coastal Policy.
Clause 1.1.3	The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.	This clause is more about “management” than approval of developments etc. however the sentiment is acknowledged as important. General provisions regarding ecosystems could deal with this issue.	It is proposed that the new State Coastal Policy does not include a specific provision relating to these issues, but are dealt with through the general clauses relating to ecosystems, etc. It is also considered that the issue of coastal management of native flora and fauna is best dealt with through appropriate zoning of land, planning scheme provisions and specific management plans. It is also proposed that issue also be addressed in the “standards” that support the new Coastal Policy
Clause 1.1.4	Exotic weeds within the coastal zone will be managed and controlled, where possible, and the use of native flora encouraged	This is a land management issue, not a matter which would need to be considered in development of a Planning Scheme.	It is proposed that the new State Coastal Policy does not include a specific provision relating to weed management.

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		Weed management is also comprehensively dealt with through the <i>Weed Management Act</i> .	Weed management can be covered by a general objective relating to ecological conservation of the coastal zone. It is also proposed that detailed information on weed management be included in the Coastal Manual. The guidelines in this Manual can be incorporated into management plans, such as Parks Management Plans.
Clause 1.1.5	Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.	The broad tenor of this principle is supported as it relates to a high level statement of principle.	It is proposed that the sentiment of this clause be retained in the new State Coastal Policy.
Clause 1.1.6	Appropriate monitoring programs and environmental studies will be conducted to improve knowledge, ensure guidelines and standards are met, deal with contaminants or introduced species and generally ensure sustainability of coastal ecosystems and processes and ensure that human health is not threatened.	This is not an appropriate issue to include in a high level based State Policy. The <i>State Policies and Project Act 1993</i> does not include a legislative power to ensure that this type of clause is enforceable. In other words, this clause is not able to be enforced. These are matters for policy makers.	It is proposed that the new State Coastal Policy does not include a specific provision relating to monitoring programs, etc as this does not directly relate to determining permit applications.
Clause 1.1.7	Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified and protected as appropriate.	The broad tenor of this statement is supported as it relates to a high level statement of principle. However, some aspects are more directed to management than development approvals.	It is proposed that the sentiment of this clause be retained in the new State Coastal Policy.
Clause 1.1.8	An effective system of marine reserves will	The broad tenor of this statement is supported as	It is proposed that marine reserves not be

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	continue to be established to protect marine ecosystems and fish nursery areas.	it relates to a high level statement of principle. However, it is noted that the specific focus of this clause is the establishment of marine reserves and a State Policy simply does not have the legal capacity to do this.	specifically mentioned in the new State Coastal Policy.
Clause 1.1.9	Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised	The broad tenor of this statement is supported as it relates to a high level statement of principle. However, it is noted that the specific focus of this clause is the establishment of new wetland reserves and a State Policy simply does not have the legal capacity to do this	It is proposed that this level of detail not be included in the new State Coastal Policy.
Clause 1.1.10	The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.	The design, siting of buildings, engineering works and other infrastructure are already subject to planning controls. Compatibility with aesthetic values is important.	It is proposed that the sentiment of this clause be retained in the new State Coastal Policy
Clause 1.1.11	Fire management, for whatever purpose, shall be carried out in a manner which will maintain ecological processes, geomorphological processes and genetic diversity of the natural resources located within the coastal zone	This is a land management issue, not a matter which would need to be considered in development of a Planning Scheme or use and development in a Parks Management Plan.	It is proposed that this provision not be included in a new State Coastal Policy.
Cultural and Historic Resources			
Clause 1.2.1	Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.	The legal protection of Aboriginal relics can only be achieved through specific purpose legislation.	It is proposed that a general provision relating to Aboriginal heritage be included in a new State Coastal Policy. It is also proposed that Aboriginal heritage

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			be addressed in the “standards” that support the new Coastal Policy
Clause 1.2.2	All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation	See above.	It is proposed that a general provision relating to Aboriginal heritage to be included in a new State Coastal Policy. It is also proposed that Aboriginal heritage be addressed in the “standards” that support the new Coastal Policy
Cultural Heritage			
Clause 1.2.3	Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.	The identification and legal protection of European heritage is dealt with through the <i>Historic Cultural Heritage Act</i> .	It is proposed that a general provision relating to European heritage be included in a new State Coastal Policy. It is also proposed that historic cultural heritage is addressed in the “standards” that support the new Coastal Policy
Coastal Hazards			
Clause 1.4.1	Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.	This is an important land use and planning issue for the coastal zone. Written submissions supported retention of a specific clause relating to planning to deal with the risk associated with climate change and other natural processes.	It is proposed that the new State Coastal Policy contain a similar provision. It is also proposed that natural hazards is addressed in the “standards” that support the new Coastal Policy
Clause 1.4.2	Development on actively mobile landforms such as frontal dunes will not be permitted.	This clause is not a high level statement and is self executing. In other words, it prohibits a certain type of	It is proposed that this clause not be included in a new State Coastal Policy as the general objective (see above) deals adequately with

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		<p>activity from occurring. This is problematic given the role of a State Policy.</p> <p>A general clause relating to risk is a better approach to dealing with this issue, with specifics to be included in planning schemes.</p>	<p>this issue.</p> <p>It is also proposed that mobile landforms is addressed in the “standards” that support the new Coastal Policy</p>
Clause 1.4.3	Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone.	<p>This clause provides that policies “be developed”. The key threat in the coastal zone from climate change is coastal flooding.</p> <p>The State Government has developed “policies” that deal with the issue and identify best practice responses.</p> <p>Accordingly the specifics of this clause are not required in a new Policy.</p>	<p>It is proposed that this issue be given some prominence in a new in a draft State Coastal Policy and in supporting documents.</p> <p>It is also proposed that responses to sea level rise and storm surge hazard is dealt with in the “standards” that support the new Coastal Policy</p>
Coastal Uses and Development			
Clause 2.1.1	The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.	The broad tenor of this principle is supported.	It is proposed that the sentiment of this clause be retained in the new State Coastal Policy.
Clause 2.1.2	Development proposals will be subject to environmental impact assessment as and where required by State legislation including the <i>Environmental Management and Pollution Control Act 1994</i> .	This clause does not provide for a legal obligation above that which already applies in law. In other words, the <i>Environmental Management and Pollution Control Act 1994</i> will apply whether this clause is included in the Policy or not.	<p>It is proposed that the new State Coastal Policy does not include a specific provision relating to EMPCA.</p> <p>It is also proposed that the “context” document provide information on relevant</p>

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			legislation such as EMPCA.
Clause 2.1.3	Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.	This clause relates to specific developments whereas the focus must be on high level outcomes.	It is proposed that this clause not be included in a new State Coastal Policy. It is also proposed that visual qualities are addressed in the “standards” that support the new Coastal Policy
Clause 2.1.4	Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, marine farming development plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.	This clause does not provide for a legal obligation above that which already applies in law. In other words, the relevant review bodies will deal with issues within their jurisdiction whether this clause is included in the Policy or not. References to bodies within other legislation have also dated the Policy. For example, the Land Use Planning Review Panel has been abolished.	It is proposed that the new State Coastal Policy does not include a specific provision relating to decision making bodies.
Clause 2.1.5	The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.	This clause applies to specific developments.	It is proposed that this clause not be included in a new State Coastal Policy but that the issue be acknowledged.
Clause 2.1.6	In determining decisions on use and development in the coastal zone, priority will	This clause applies to specific developments.	It is proposed that this Clause not be included

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	be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons		in a new State Coastal Policy. However, it is proposed that this sentiment be reflected in the new draft Policy.
Clause 2.1.7	New industrial developments will be encouraged to locate in specified industrial zones.	This clause applies to specific developments.	It is proposed that this Clause not be included in a draft State Coastal Policy but that there be a general provision concerning sensible location of new developments.
Clause 2.1.8	Extraction of construction materials, mineral, oil, and natural gas deposits in the coastal zone will be allowed provided access to areas is allowed under the provisions of the <i>Mining Act 1929</i> .	This clause does not provide for a legal obligation above that which already applies in law.	It is proposed that a new State Coastal Policy does not include a specific provision relating to mining exploration in the coastal zone. However, it is proposed that reference be made to the importance of economic development of resources in the coastal areas in a new Policy.
Clause 2.1.9	Exploration will be conducted in accordance with environmental standards under relevant legislation and the Mineral Exploration Code of Practice. Adequate rehabilitation shall be carried out	This clause does not provide for a legal obligation above that which already applies in law. In other words, exploration can only be conducted in accordance with the relevant legislation and Code of Practice whether this clause is included in the Policy or not.	It is proposed that a new State Coastal Policy does not include a specific provision relating to exploration in the coastal zone. It is also proposed that there be a principle relating to economic resource use in the coastal zone in the new Policy. The “context” documents is also planned to have information on relevant legislation.
Clause 2.1.10	Extraction will be subject to the Quarry Code of Practice and environmental assessment as required by State legislation including the <i>Environmental Management and Pollution Control Act 1994</i> . Adequate rehabilitation	This clause does not provide for a legal obligation above that which already applies in law. In other words, extraction can only be conducted in accordance with the relevant legislation and Code of Practice whether this	It is proposed that a new State Coastal Policy does not include a specific provision relating to exploration in the coastal zone. The context document is planned to have

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	shall be carried out.	clause is included in the Policy or not.	information on relevant legislation.
Clause 2.1.11	Extraction of sand will be provided for by zoning of appropriate areas in planning schemes.	This clause deals with a specific activity. Under Planning Schemes, zoning is the only way in which areas suitable for removal of sand would be identified.	It is proposed that a new State Coastal Policy does not include a specific provision relating to sand extraction in the coastal zone. The context document is planned to have information on relevant legislation.
Clause 2.1.12	Timber harvesting and reforestation in the coastal zone will be conducted in accordance with the Forest Practices Code and have regard to this Policy.	This clause does not provide for a legal obligation above that which already applies in law. In other words, timber harvesting and reforestation can only be conducted in accordance with the relevant legislation and Code of Practice whether this clause is included in the Policy or not.	It is proposed that a new State Coastal Policy does not include a specific provision relating to timber harvesting in the coastal zone.
Clause 2.1.13	Whole farm planning and sustainable farming activities will be encouraged on agricultural land in the coastal zone and in coastal catchments in order to minimise problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters.	This is a statement of intent and it is unclear who has this responsibility. In broad terms, the new Water Act and State Policy on Water Quality now deal with this issue.	It is proposed that a new State Coastal Policy does not include a specific provision relating to whole farm planning in the coastal zone.
Clause 2.1.14	Management arrangements for commercial and recreational fisheries will be further developed in accordance with the objectives, principles and outcomes of this Policy, through a management planning framework designed to maintain sustainability and diversity of fish resources and their habitats and promote economic efficiency under the	A management planning framework for management of commercial and recreational fisheries exists under the <i>Living Marine Resources Management Act 1995</i> . Specific objectives relating to sustainability are outlined in that legislation. Management plans for fisheries must meet those objectives.	It is proposed that a new State Coastal Policy does not include a specific provision duplicating provisions or obligations under the relating to the <i>Living Marine Resources Management Act 1995</i> .

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	<i>Living Marine Resources Management Act 1995.</i>		
Clause 2.1.15	Harvesting of marine plants shall be conducted in a sustainable manner in accordance with relevant State legislation and this Policy.	Marine plants are covered by the <i>Living Marine Resources Management Act 1995</i> which defines “fish” as any aquatic organism of any species, whether dead or alive, which, in the normal course of events, spends part or all of its life in the aquatic environment. Fish is defined to specifically include “seagrass, seaweed and other aquatic vascular plants, algae, diatoms, euglenoids and any other marine plants”. Therefore the harvesting of marine plants is managed under the <i>Living Marine Resources Management Act 1995</i> .	It is proposed that a new State Coastal Policy does not include a specific provision relating to the harvesting of marine plants in the coastal zone.
Clause 2.1.16	Water quality in the coastal zone and in ground water aquifers will accord with the requirements and guidelines established by the <i>Environmental Management and Pollution Control Act 1994</i> or the <i>Environment Protection (Sea Dumping) Act 1987</i> (as appropriate) and any other relevant State and Commonwealth Policies and statutes.	This clause does not provide for a legal obligation above that which already applies in law. See comments about Clause 1.1.5 relating to retention of a general clause relating to water quality and ecosystems.	It is proposed that a new State Coastal Policy does not include a specific provision relating to complying with EMPCA and other relevant legislation. It is proposed that the context document provide information on relevant legislation. It is also proposed that water quality is addressed in the “standards” that support the new Coastal Policy
Clause 2.1.17	Waste discharge into the coastal zone, including offshore waters, or likely to affect groundwater aquifers, must comply with provisions of the <i>Environmental Management and Pollution Control Act 1994</i>	This clause does not provide for a legal obligation above that which already applies in law.	It is proposed that a new State Coastal Policy does not include a specific provision relating to complying with EMPCA and other relevant legislation.

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	or the <i>Environment Protection (Sea Dumping) Act 1987</i> (as appropriate) and any relevant State and Commonwealth Policies.		
Clause 2.1.18	Where oil pollution occurs in the coastal zone, and, or, offshore areas, the National Plan to combat Pollution of the Sea by Oil, Tasmanian Supplement, will apply. Efforts to prevent or mitigate maritime accidents and pollution shall be based upon relevant ANZECC and other guidelines.	This clause does not provide for a legal obligation above that which already applies in law.	It is proposed that a new State Coastal Policy does not include a specific provision relating to oil pollution.
Clause 2.1.19	Every effort will be made to prevent the introduction of foreign marine organisms and species. Relevant Commonwealth provisions for quarantine and ballast water or other ship discharges shall apply.	This clause does not provide for a legal obligation above that which already applies in law.	It is proposed that a new State Coastal Policy does not include a specific provisions relating to the introduction of foreign organisms and species.
Marine Farming			
Clause 2.2.1	Marine farming will be planned, developed and conducted in the coastal zone having regard to sustainable development considerations and in accordance with the <i>Marine Farming Planning Act 1995</i> and other relevant terrestrial and marine resource management and planning legislation and consistent with this Policy.	This clause does not provide for a legal obligation above that which already applies in law.	It is proposed that a new State Coastal Policy does not include a specific provision relating to complying with <i>Marine Farming Planning Act 1995</i> .
Clause 2.2.2	Marine Farming Development Plans will be prepared, approved and gazetted under the <i>Marine Farming Planning Act 1995</i> and consistent with the objectives, principles and	This clause does not provide for a legal obligation above that which already applies in law.	It is proposed that a new State Coastal Policy does not include a specific provision relating to development of Marine Farm

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	outcomes of this Policy.	<p>In particular Section 21 of the <i>Marine Farming Planning Act 1995</i> already requires that a draft marine farming development plan for an area must be consistent with State Policies made under section 11 of the <i>State Policies and Projects Act 1993</i>.</p> <p>It should also be noted that marine farming development plans are approved by the Minister and the plan does not need to be gazetted.</p>	<p>Development Plans.</p> <p>The context document is planned to have information on relevant legislation.</p>
Tourism			
Clause 2.3.1	Tourism use and development in the coastal zone, including visitor accommodation and other facilities, will be directed to suitable locations based on the objectives, principles and outcomes of this Policy and subject to planning controls.	Tourism use and development is no different than any other use and development in the coastal zone and should be subject to the general principles relating to ecological conservation, economic resources, aesthetic quality, etc.	<p>It is proposed that a new State Coastal Policy does not include tourism specific provisions.</p> <p>However, it is proposed that there be a general principle relating to coastal dependency and indicating that other general principles relating to use and development in the coastal zone apply.</p>
Clause 2.3.2	Tourism development proposals in the coastal zone will be subject to environmental impact assessment as required by State legislation including a water safety assessment to indicate the level and type of lifesaving facilities and personnel required to protect people.	This deals with assessment of specific developments.	See above.
Clause 2.3.3	Opportunities for tourism development will be identified wherever strategic planning occurs for the coastal zone or any part of it.	Tourism use and development is no different than any other use and development in the coastal zone and should be subject to the general principles relating to ecological conservation,	It is proposed that a new State Coastal Policy does not include tourism specific provisions.

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		economic resources, aesthetic quality, etc.	
Clause 2.3.4	Tourism development will be located where there is environmental capacity and where it does not significantly conflict with the natural and aesthetic qualities of the coastal zone.	Tourism use and development is no different than any other use and development in the coastal zone and should be subject to the general principles relating to ecological conservation, economic resources, aesthetic quality, etc.	It is proposed that a new State Coastal Policy does not include tourism specific provisions.
Urban and Residential Development			
Clause 2.4.1	Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.	The general tenor of this clause is supported.	It is proposed that a new State Coastal Policy include a general provision relating to minimisation of impacts from use and development in the coastal zone.
Clause 2.4.2	Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.	The general tenor of this clause is supported.	It is proposed that a new State Coastal Policy include a general provision relating to minimisation of impacts from use and development in the coastal zone.
Clause 2.4.3	Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.	Designation of areas for urban and residential development can only be done through planning schemes and planning schemes must be in accordance with State Policies.	It is proposed that the sentiment of this clause be included in a new State Coastal Policy.
Transport			

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Clause 2.5.1	All transport infrastructure and associated services will be planned, developed and maintained consistent with the State Coastal Policy.	The general tenor of this clause is supported.	It is proposed that a new State Coastal Policy include a general provision relating to sustainable use of the coast and that development is suitably located.
Clause 2.5.2	Significant scenic coastal transport routes and associated facilities will be identified, planned and managed to ensure sustainable benefits for tourism and recreation value and amenity.	The general tenor of this clause is supported.	It is proposed that a new State Coastal Policy include a general provision relating to sustainable use of the coast and that development is suitably located.
Clause 2.5.3	New coast hugging roads will be avoided where possible with vehicular access to the coast being provided by spur roads planned, developed and maintained consistent with the State Coastal Policy.	The general tenor of this clause is supported.	It is proposed that a new State Coastal Policy include a general provision relating to sustainable use of the coast and that development is suitably located.
Clause 2.5.4	Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.	This Clause relates to on-ground works and specific developments. Specific marine structures would already be subject to Environmental Impact Statements if considered a Level 1 or 2 activity under the <i>Environmental Management and Pollution Control Act</i> .	It is proposed that this clause not be included in a new State Coastal Policy. It is also proposed that detailed information on marine structures be included in the Coastal Manual. These guidelines can be used by coastal managers in the design, siting and construction of marine structures.
2.5.5	The multiple use of port areas will be encouraged but priority will be given to efficient port operations and safety requirements subject to cultural, natural and aesthetic values not being compromised.	This relates to a specific activity in the coastal zone. The issue of whether there are multiple ports is a policy decision for Government. The general provisions relating to sustainability	It is proposed that this clause is not included in the new State Coastal Policy.

<i>Section and Clause</i>	<i>Summary of Provisions or Current Wording</i>	<i>Comment</i>	<i>New State Coastal Policy</i>
		and suitable location of uses would apply to ports.	
Public Access and Safety			
Clause 2.6.1	The public's common right of access to and along the coast, from both land and water, will be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements.	The general tenor of this clause is supported.	It is proposed that a new State Coastal Policy include a general provision relating to public access. It is also proposed that public access is addressed in the "standards" that support the new Coastal Policy
Clause 2.6.2	Public access to and along the coast will be directed to identified access points. Uncontrolled access which has the potential to cause significant damage to the fragile coastal environment and is inconsistent with this Policy will be prevented.	The general tenor of this clause is supported.	It is proposed that a new State Coastal Policy include a general provision relating to public access.
Clause 2.6.3	Agreements between landowners, landholders and councils or State Government to grant public access to the coast, and Aborigines access to Aboriginal sites and relics in the coastal zone over private and public land will be encouraged and shall be considered when preparing plans or approving development proposals.	This Clause relates to development of management plans and specific development proposals, not development of planning schemes.	It is proposed that this clause is not included in the new State Coastal Policy.
Clause 2.6.4	Public facilities such as life saving facilities and essential emergency services, parking facilities, toilet blocks, picnic sites, rubbish disposal containers, boat ramps and jetties will be provided at appropriate locations	This is an on-ground management issue.	It is proposed that this Clause is not included in the draft State Coastal Policy. It is also proposed that public safety is addressed in the "standards" that support the

<i>Section and Clause</i>	<i>Summary of Provisions or Current Wording</i>	<i>Comment</i>	<i>New State Coastal Policy</i>
	consistent with the objectives, principles and outcomes of this Policy to facilitate access to and enjoyment of the recreational amenity of the coast and estuarine foreshores		new Coastal Policy
Clause 2.6.5	Councils will ensure that there will be a coastal safety assessment for any new coastal development likely to attract people to the coast to indicate the level and type of lifesaving facilities and personnel required.	This is a specific development issue. The better way for this to be dealt with is in the strategic planning processes of a local council and in the preparation of provisions in planning schemes.	It is proposed that this clause is not included in the new State Coastal Policy.
Clause 2.6.6	Developer contributions will be encouraged in respect to the costs of providing public access and safety services for the community.	The <i>State Policies and Project Act 1993</i> does not include a legislative power to ensure that this type of clause is enforceable. In other words, this clause is not able to be enforced. This is a matter for consideration under the <i>Land Use Planning and Approvals Act 1993</i> .	It is proposed that the new State Coastal Policy does not include a specific provision relating developer contributions. It is proposed that this issue be referred to the <i>Better Planning Outcomes Review</i> for consideration.
Public Land			
Clause 2.7.1	All future use and development of public land in the coastal zone will be consistent with this Policy, and subject to planning controls unless otherwise provided by statute.	The <i>State Policies and Project Act 1993</i> already provides that State Policies applies to the Crown in all its capacity and to Councils. It specifies how the State Policy will apply through Planning Schemes. Other legislation also indicates that specific planning documents must be consistent with State Policies. Given this situation, such a clause is inappropriate.	It is proposed that this clause is not included in the new State Coastal Policy.

<i>Section and Clause</i>	<i>Summary of Provisions or Current Wording</i>	<i>Comment</i>	<i>New State Coastal Policy</i>
Clause 2.7.2	Future development of camping areas on public land in the coastal zone will only be permitted where such development does not conflict with the protection of natural features and cultural values, but not within 30 metres above high water mark.	This is a matter for specific Parks Management Plans.	It is proposed that this clause is not included in the new State Coastal Policy.
Clause 2.7.3	Expansion of shack sites on public land in the coastal zone will not be permitted.	The <i>Crown Lands (Shack Sites) Act 1997</i> has been enacted since the Coastal Policy was developed. This legislation now deals with that issue. This clause also purports to prohibit a specific type of development, which is a matter for Planning Schemes.	It is proposed that this clause is not included in the new State Coastal Policy.
Clause 2.7.4	Shacks currently located on public land in the coastal zone will continue to be subject to review under the Shack Site Categorisation Program of the Tasmanian Property Services Group.	The <i>Crown Lands (Shack Sites) Act 1997</i> requires all shacks on crown land to be assessed. This process is almost finished. There is therefore no need for retaining this Clause in a new State Coastal Policy.	It is proposed that this clause is not included in a new State Coastal Policy.
Recreation			
Clause 2.8.1	Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.	This is an on-ground management issue.	It is proposed that this clause is not included in a new State Coastal Policy.
Clause 2.8.2	Suitable recreation opportunities will be identified through strategic planning and may be provided in appropriate locations where they do not adversely affect sensitive coastal ecosystems and landforms or in designated	This is an on-ground management issue.	It is proposed that this clause is not included in a new State Coastal Policy.

<i>Section and Clause</i>	<i>Summary of Provisions or Current Wording</i>	<i>Comment</i>	<i>New State Coastal Policy</i>
	areas where such effects can be remedied or mitigated.		
Clause 2.8.3	Special recreational vehicle areas may be established as an environmental protection measure and as a means of limiting unauthorised motor vehicle activity in environmentally sensitive areas.	Unless the use of special recreational vehicles requires a change of “use” under a Planning Scheme, this is an on-ground management issue.	It is proposed that this clause is not included in a new State Coastal Policy.
Shared Responsibility and Management			
Clause 3.1.1	Provision will be made for consistency in policy interpretation and implementation by all spheres of government throughout Tasmania, including consistency in changes to planning schemes affected by this Policy.	The first half of this clause is difficult to achieve as there is not any clear legislative power to do it. In essence it is calling for better strategic planning by all spheres of government in relation to land use planning. This theme is being pursued in the <i>Better Planning Outcomes Review</i> . However, there is no virtue in such a clause being in the Policy.	It is proposed that this clause is not included in a new State Coastal Policy.
Clause 3.1.2	Coastal management should be considered as an integral component of regional planning undertaken in the State.	This issue is being pursued in the <i>Better Planning Outcomes Review</i> . Accordingly no virtue is seen in such a clause being in the Policy.	It is proposed that this clause is not included in a new State Coastal Policy.
Clause 3.1.3	Provision shall be made for effective coordination of the activities of governments, industry and local communities in interpreting and implementing the State Coastal Policy.	It is not clear what this clause means in practice. The “framework” approach of developing a new State Policy with supporting documents is aimed at ensuring better implementation of any new Policy.	It is proposed that this clause is not included in a new State Coastal Policy.
Clause 3.1.4	Provision for effective and greater involvement of Aboriginal people in areas of	Whilst the sentiment of such a clause is recognised, it does not add any value to the	It is proposed that this clause is not included in a new State Coastal Policy.

<i>Section and Clause</i>	<i>Summary of Provisions or Current Wording</i>	<i>Comment</i>	<i>New State Coastal Policy</i>
	particular interest to Aboriginal people will be made as part of community participation processes.	determination of specific provisions dealing with development in the coastal zone.	
Clause 3.1.5	Planning authorities, the Land Use Planning Review Panel and the Marine Farming Planning Review Panel will use their best endeavours to function in a coordinated and collaborative manner to effectively and efficiently implement the State Coastal Policy.	The <i>State Policies and Project Act 1993</i> does not include a legislative power to ensure that the named bodies comply with this clause. In other words, this clause is not able to be enforced. References to bodies within other legislation have also dated the Policy. For example, the Land Use Planning Review Panel has been superseded	It is proposed that this clause is not included in a new State Coastal Policy.
Clause 3.1.6	Councils will prepare strategic and operational plans for their municipal areas having regard to the principles, objectives and outcomes of this Policy and will be encouraged to function in a coordinated and collaborative manner with adjacent councils and other planning authorities.	Legislation specifically defines how Councils are to give effect to State Policies.	It is proposed that this clause is not included in a new State Coastal Policy.
Clause 3.1.7	State government agencies and planning authorities will participate with other State, Territory and Commonwealth agencies in relevant forums to foster a national approach to coastal zone management.	This is a matter for the State Government and not an appropriate matter to be part of a legal instrument made under the <i>State Policies and Project Act 1993</i> .	It is proposed that this clause is not included in a new State Coastal Policy.
Institutional Arrangements			
3.2.1	A State Coastal Advisory Committee comprising representatives of State and local government and the community will be established to facilitate implementation,	Whether there is such an advisory body in the future or not, there is no place for such a statement in a legal document prepared under	It is proposed that this clause is not included in a new State Coastal Policy.

<i>Section and Clause</i>	<i>Summary of Provisions or Current Wording</i>	<i>Comment</i>	<i>New State Coastal Policy</i>
	coordination, consistent interpretation, and evaluation of this Policy	the <i>State Policies and Project Act 1993</i> .	
3.2.2	The State Coastal Advisory Committee will be supported by the Coastal and Marine Program in the Department of Environment and Land Management	See above.	It is proposed that this clause is not included in a new State Coastal Policy.
3.2.3	The Tasmanian Government will provide funding and other resources considered necessary for the effective implementation of this Policy.	This is a policy decision for Government and a State Policy cannot legally ensure that this occurs.	It is proposed that this clause is not included in a new State Coastal Policy.
3.2.4	A high level of coastal expertise will progressively be developed in agencies responsible for implementation of the State Coastal Policy.	This is an issue relating to the broader issue of expertise planning. This theme is being pursued in the <i>Better Planning Outcomes Review</i> . Hence there is no virtue in such a clause being in the Policy.	It is proposed that this clause is not included in a new State Coastal Policy.
3.2.5	The effectiveness of institutional arrangements will be reviewed three years from the date of implementation of the State Coastal Policy.	The <i>State Policies and Projects Act 1993</i> requires a periodic review of State Policies.	It is proposed that this clause is not included in a new State Coastal Policy.
Public Participation and Information			
3.3.1	Public awareness of coastal issues and community participation in managing the coastal zone will be encouraged and facilitated, including networking between community groups working in the coastal zone.	It is proposed that this is best dealt with by the preparation of additional supporting materials that can be used by Councils and community groups. It is not considered a matter that should have a specific provision in a high level Policy.	It is proposed that this clause is not included in a new State Coastal Policy. It is proposed that additional documents be prepared and additional material be placed on the DPIWE website to assist community understanding of coastal issues.

<i>Section and Clause</i>	<i>Summary of Provisions or Current Wording</i>	<i>Comment</i>	<i>New State Coastal Policy</i>
3.3.2	Advice and information will be provided to coastal community groups through councils and State Government agencies responsible for coastal planning and management on the implementation and interpretation of the State Coastal Policy, on government assistance programs or other matters relevant to the coastal zone.	See above.	It is proposed that this clause is not included in a new State Coastal Policy.
3.3.3	Community projects and action which benefit the coastal zone and are consistent with this Policy will be encouraged and assisted through the Coastal and Marine Program of the Department of Environment and Land Management or other relevant government programs.	This is a policy decision for Government and a State Policy cannot legally ensure that this occurs.	It is proposed that this clause is not included in a new State Coastal Policy.
3.3.4	Communities will be given the opportunity to make submissions to all plans or policies affecting the coastal zone. Consultative meetings with relevant and interested community groups and individuals in local or regional areas will be held in conjunction with the release of policies and plans wherever possible.	This is a policy decision for Government and Local Government and a State Policy cannot ensure that this occurs. It is noted that there is a general commitment by the state Government and Councils to public comment on policy proposals or amendments to existing policies. Amendments to planning Schemes must be advertised.	It is proposed that this clause is not included in a new State Coastal Policy.
3.3.5	Research into coastal processes and matters related to coastal zone planning and management by government or research institutions will be encouraged and assisted where possible.	This is a policy decision for Government and a State Policy cannot legally ensure that this occurs.	It is proposed that this clause is not included in a new State Coastal Policy.

<i>Section and Clause</i>	<i>Summary of Provisions or Current Wording</i>	<i>Comment</i>	<i>New State Coastal Policy</i>
Implementation, Evaluation and Review			
4.1	Implementation of the State Coastal Policy will be coordinated through the State Coastal Advisory Committee.	<p>It is proposed that there be at least three substantive changes to improve implementation.</p> <p>The first is changes to legislation to provide for better enforcement.</p> <p>The second is changes to legislation to move from “self executing” to explicit provisions in planning schemes being the means of implementation.</p> <p>Thirdly, it is proposed that there be much more supporting information available to councils to assist them in development of implementation mechanisms.</p>	It is proposed that this clause is not included in a new State Coastal Policy.
4.2	The main vehicles for implementation of this Policy will be land use planning controls, marine farming development plans, and local council strategic and operational plans.	Whilst this may be true, its explicit statement does no add anything to the Policy.	It is proposed that this clause is not included in a new State Coastal Policy.
4.3	To ensure integration between planning schemes and other plans affecting the coastal zone, all planning authorities (including local councils, Marine Boards, the Secretary of the Department of Primary Industry and Fisheries and other agencies developing plans which cover all or any part of the coastal zone) are required, as appropriate, to consult with the Marine Resources Division (Department of Primary Industry and Fisheries) the Marine Board responsible for	<p>The <i>State Policies and Project Act 1993</i> does not include a legislative power to ensure that the named bodies comply with this clause. In other words, this clause is not able to be enforced.</p> <p>The issue of referral of particular types of developments to Government is canvassed as an issue under the <i>Better Planning Outcomes Review</i>.</p>	<p>It is proposed that this clause is not included in a new State Coastal Policy.</p> <p>The specific issue of referral of particular types of development to Government to be considered as part of the <i>Better Planning Outcomes Review</i>.</p>

<i>Section and Clause</i>	<i>Summary of Provisions or Current Wording</i>	<i>Comment</i>	<i>New State Coastal Policy</i>
	the area subject to the plan and the Department of Environment and Land Management.		
4.4	The effectiveness of the State Coastal Policy will be monitored and assessed throughout its term. A report on the coastal zone will be included in all State of the Environment Reports which the Sustainable Development Advisory Council submits to the Minister pursuant to section 29 of the <i>State Policies and Projects Act 1993</i> .	Section 29 of the <i>State Policies and Projects Act 1993</i> has been repealed. The mechanisms for preparation of the State of Environment Reports are quite separate. However, the RPDC has shown considerable interest in the coastal zone in the latest SOE report. No virtue is seen from this provision being in a Policy.	It is proposed that this clause is not included in a new State Coastal Policy. It is proposed that consideration be given through the <i>Better Planning Outcomes Review</i> to more regular reporting on the implementation of State Policies through the State of the Environment report processes.
4.5	To ensure that policies and plans for the coast are responsive to changing needs and circumstances the Minister responsible for the administration of the <i>State Policies and Projects Act 1993</i> shall review the State Coastal Policy at the end of three (3) years after this Policy has come into operation and thereafter no less than every five (5) years	The <i>State Policies and Projects Act 1993</i> provides that all State Policies must be reviewed. It is superfluous to include this clause in the Policy.	It is proposed that this clause is not included in a new State Coastal Policy.